

Senate Bill 294 - Prefile

By: Senators Albers of the 56th, Rogers of the 21st, Gooch of the 51st, Shafer of the 48th, Carter of the 1st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 34-8-195 of the Official Code of Georgia Annotated, relating to
2 determination of eligibility for unemployment benefits generally, so as to enact the "Dignity
3 for the Unemployed Act"; to require volunteer service hours with a nonprofit organization
4 for applicants for unemployment benefits; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Dignity for the Unemployed Act."

9 **SECTION 2.**

10 Code Section 34-8-195 of the Official Code of Georgia Annotated, relating to determination
11 of eligibility for unemployment benefits generally, is amended by revising subsection (a) as
12 follows:

13 "(a) An unemployed individual shall be eligible to receive benefits for any week only if
14 such unemployed individual shows to the satisfaction of the Commissioner that each of the
15 following conditions has been met:

16 (1) The individual has made a claim, has been unemployed or employed less than full
17 time during the regular work week, and has reported his or her deductible earnings in
18 accordance with Code Section 34-8-190;

19 (2) The individual has registered for work and has continued to report to an employment
20 office as required by regulations prescribed by the Commissioner. The Commissioner
21 may, by regulation, waive or alter either or both of the requirements of this paragraph for
22 cases or situations in which the Commissioner finds that compliance with the
23 requirements would be oppressive or inconsistent with the purposes of this chapter;

(3)(A) The individual is able to work, is available for work, is actively seeking work, and is bona fide in the labor market; provided, however, that no individual shall be considered available for work or receive benefits for any period that:

(i) The individual is away from work on vacation or leave of absence at the individual's own request;

(ii) The individual is away from work for a vacation period as provided in an employment contract or collective bargaining agreement; or

(iii) The individual is away from work for a vacation period in the absence of an employment contract or collective bargaining agreement and such vacation period is either pursuant to:

(I) An established employer custom, practice, or policy as evidenced by the previous year or years; or

(II) A vacation policy and practice established by the employer by an announcement, made at least 30 days before the beginning of the scheduled period, of a paid vacation plan applicable to the employees who meet the eligibility requirements of the plan.

(B) In no event shall an employee be held unavailable for work or ineligible for benefits under divisions (ii) and (iii) of subparagraph (A) of this paragraph for any period of more than two weeks in any calendar year when such employee is not paid for such period directly or indirectly by the employer or from a fund to which the employer contributes. The usual eligibility requirements shall apply to individuals laid off due to lack of work or for a purported vacation not meeting the conditions set forth in subparagraph (A) of this paragraph;

(4) The individual has participated in reemployment services, such as job search assistance services, if the individual was determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the Commissioner unless the Commissioner determines that:

(A) Such individual has completed such reemployment services; or

(B) There is justifiable cause for such individual's failure to participate in such reemployment services;

(5) The individual is willing to work under the same general terms and conditions as existed since the beginning of the base period; ~~and~~

(6) The individual has been paid sufficient wages for insured work to qualify for a weekly benefit amount as provided in Code Section 34-8-193; and

(7) The individual has performed at least 24 hours of volunteer service per week for a nonprofit charitable organization which is qualified as exempt from taxation under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986. Such organization

61 and service shall be in accordance with any regulations prescribed by the Commissioner.
62 This paragraph shall not apply to the first two weeks of eligibility. The Commissioner
63 may, by regulation, waive or alter the requirements of this paragraph for cases or
64 situations in which the Commissioner finds that compliance with the requirements would
65 be oppressive or inconsistent with the purposes of this chapter."

66 **SECTION 3.**

67 All laws and parts of laws in conflict with this Act are repealed.